IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO : 21006 of 2005

Between:

A. Raju S/o. Late A. Srinivasa Rao
C/o. A. Pydiraju Door.No.7-132
Chanakyanagar Chinamushidiwada, Pendurthi, Visakhapatnam.

..... PETITIONER

AND

1 Goverment of India Rep.by Ministry of Railways
Railway Board Rail Bhavan
New Delhi-1.
2 The General Manager (Personnel)
East Coast Railway Bhubaneswar
Orissa State.
3 The Divisional Personnel Officer- I East Coast Railway
Waltain Division Waltair-I

.....RESPONDENTS

THE COURT MADE THE FOLLOWING :

ORAL ORDER: *(Per Hon'ble Mrs Justice T.Meena Kumari)*

Petitioner filed this writ petition seeking a direction to the respondents to appoint him as Ticket Collector in Commercial Department under the control of 2nd respondent on compassionate grounds or any other post in existence.

The facts go to show that his father late A. Srinivasarao who worked in South Eastern Railway died in 1982 and he had no children of his own. The wife of said Srinivasarao was granted pension from 1982 and she also died in 1992.

It is further stated that the wife of said Srinivasarao took the petitioner in adoption on 11-11-1991 and on that strength, the petitioner was granted family pension of Rs.1,275/- pm from 1.1.1996 to 30.12.2009. Besides that, the applicant was also paid pension arrears of Rs.8,000/- of his mother and he further submits that the pension will be stopped by 30-12-2009 when he attains the age of 25 years. The petitioner further submitted that he approached the Minister for

Railways for being appointed on compassionate grounds and the Minister for Railways also recommended the petitioner for being appointed and gave direction to the first respondent-Railway board for follow up action and the first respondent in turn sent the same to the second respondent-General Manager, Bhuvaneswar, for detailed comments. Basing on the same, the third respondent sent the Welfare Inspector for enquiry who in turn made enquiries and sent a report to the second respondent and ultimately the said report was forwarded to the first respondent and which is still pending. As there was no action, he filed O.A.No.635 of 2005 on the file of the Central Administrative Tribunal, Hyderabad, which was rejected. Hence, the present writ petition.

The learned counsel for the petitioner contended that even 20 years old matters can be considered for the purpose of compassionate appointment.

On the other hand, the learned counsel for the respondents relied upon master circular No.16, which deals with persons eligible to be appointed on compassionate grounds. In the case of adopted sons it is contemplated that the legal adoption process should have been completed and should have been become valid before the date of death or medical de-categorisation or medical in-capacitation, as the case may be, of the ex-employee. Therefore, the petitioner is not entitled for being appointed on compassionate grounds. Even otherwise, the petitioner is getting family pension of Rs.1,275/- per month.

As could be seen from the record, it is clear that the petitioner was not born even at the time of the death of the deceased Srinivasarao, who died somewhere in the year 1985. The petitioner was born on 31-12-1985. Further, the conditions prescribed under the master Circular No.16 {No.E(NG)II/86/RC-I/I/Policy dated 20.05.1988} relied upon the learned counsel for the respondents that the legal adoption process has to be completed and has to be valid before the date of the death of the ex-employee. Therefore, the

petitioner has no case for consideration for being appointed on compassionate grounds. Even otherwise, the petitioner is getting family pension of Rs.1,275/- per month.

In any view of the matter, the writ petition is not merit consideration and hence, the same is liable to be dismissed as devoid of merits.

Accordingly, the writ petition is dismissed at the stage of admission. No order as to costs.

T. MEENA KUMARI, J.

P. LAKSHMANA REDDY,J.

28-09-2005

kvsn/skm